UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

MIKE'S CIGARS DISTRIBUTORS, INC. a Florida corporation

Plaintiff,

Case No. 06-10990

٧.

Hon. Bernard A. Friedman

MICHAEL BYELICK, an individual and MD CIGARS, LLC., an Arizona limited liability company

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DECLARATION OF JULIE A. GREENBERG

JULIE A.GREENBERG declares the following to be true under penalty of perjury:

- 1. I am counsel of record in the captioned matter. I have personal knowledge of the facts set forth herein. If called as a witness, I would testify to same.
- 2. I obtained various documents from the website www.archive.org, which I understand stores archived versions of websites as they existed on the designated dates. I have printed out and attached hereto certain of these documents as described more fully herein.
- 3. Attached hereto as Exhibit 1 is a printout of the results from www.archive.org, when a search is entered for www.mdcigars.com. It shows the dates for which an archived version of the web materials is available, and makes the archive copies viewable through a hyperlink.
- 4. Attached hereto as Exhibit 2 is a printout of the archived copy associated with Byelick's website www.mikescigar.com from May 18, 2001, prior to entering into the Settlement

- Agreement between Mikes Cigars and Byelick (hereafter the "Settlement Agreement").

 As the printout shows, the link serves as a portal to MD Cigars' website.
- 5. Attached hereto as Exhibit 3 is a printout of the archived copy associated with Byelick's website www.mdcigars.com from July 18, 2002, after entering into the Settlement Agreement. On page 3 of the printout in the upper left corner the words "MIKE'S CIGARS" are visible because they have been highlighted by the curser. Ex 3A is comprised of a document I created by copying from the website of Ex. 3 and pasting the content into a Word Document, with the font color changed from white and the font size increased. I have highlighted words of interest which became visible upon pasting them to this document, such as "Mike's", "Mike's Cigars," "Mike's Rare & Discount Cigars" etc.
- 6. Attached hereto as Exhibit 4 is a printout of the archived copy associated with Byelick's website www.mdcigars.com from Feb. 2, 2003, after entering into the Settlement Agreement. On page(s) 2-3 of the printout I have circled and drawn arrows to what is "invisible" text, although it is barely discernable when highlighted with a curser. I have copied and reprinted this text to a Word Document of Ex 4A, in black font, in a larger size. Ex. 4A shows various otherwise hidden text included in the Byelick website, including "MIKE'S DISCOUNT CIGARS." It also shows that where the visible text appears to read "Mike and Andrea" it actually hides a tiny, hidden "s" after the word Mike, so that as reprinted in black in Ex 4A, it actually says "MIKES & Andrea..."
- 7. Attached hereto as Ex. 5, 6, and 7 are printouts from web forums where MD CIGARS has publicized his complaints about Mike's Cigars and its principal, and encourages his supporters to call, fax, email.

8. As recently as March 6, 2006, Defendants' website, www.mdcigars.com, included the keyword "MIKE" in the metatags.

Further Declarant sayeth Not.

Dated: 3.23.06

TM-W:\Word Processing\jag\mikes- greenberg Declaration.doc

EXHIBIT 1

INTERNET ARCHIVE

Enter Web Address: http://mdcigars.com

Αll

Take Me Back

Dec 28, 2003 *

Adv. Search Compare Archi

Searched for http://mdcigars.com

71 Results

Note some duplicates are not shown. See all. * denotes when site was updated.

Search	Results	for	Jan 01,	1996	- Mar	22,	2006
--------	---------	-----	---------	------	-------	-----	------

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
0 pages	0 pages	0 pages	0 pages	0 pages	4 pages	8 pages	26 pages	17 pages	14 pag
					May 16, 2001	Jul 26, 2002 * Aug 02, 2002 * Sep 23, 2002 * Sep 25, 2002 * Sep 27, 2002 *	Feb 13, 2003 * Feb 14, 2003 * Mar 22, 2003 * Mar 29, 2003 Apr 21, 2003 *	Feb 05, 2004 * Mar 25, 2004 * Mar 25, 2004 * May 19, 2004 * May 25, 2004 * Jun 04, 2004 * Jun 06, 2004 Jun 07, 2004 * Sep 19, 2004 * Sep 20, 2004 Oct 14, 2004 * Nov 13, 2004 * Nov 14, 2004 *	Feb 06, 20 Feb 10, 20 Feb 11, 20 Feb 12, 20 Feb 14, 20 Feb 16, 20 Feb 20, 20 Feb 21, 20 Feb 24, 20 Mar 02, 20 Mar 03, 20 Mar 07, 20 Mar 17, 20

Home | Help

Internet Archive | Terms of Use | Privacy Policy

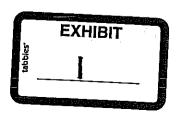


EXHIBIT 2

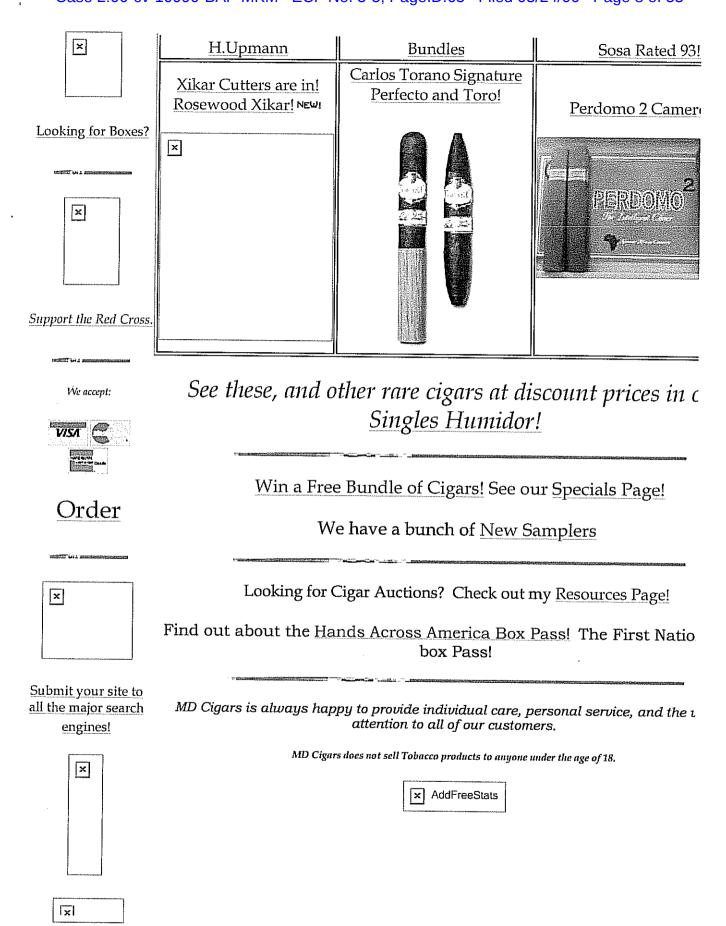


"The Best little Cigar Store on the Net!"

WWW.MDCIGARS.COM

Your Portal to Cigars & Cigar Resources





Close Outs	
controller 65 t accommon to the controller	
Click here for our Singles Humidor	
naukali isi i kancananinggananan	MD Cigar's www.mdcigars.com
<u>Click here</u> for our Box	3111 Macaulay Suite 203 San Diego, California. 92106 Telephone: 619-223-6010
pricing	
	~~
Click To Order!	

Questions or Comments:

Contact: mdcigars@home.com

This site best viewed with



×

Support the Red Cross.

Questions about this web site? Send mail to mdcigars@home.com Last modified: October 03, 2001



"The Best little Cigar Store on the Net!"

WWW.MDCIGARS.COM

Your Portal to Cigars & Cigar Resources

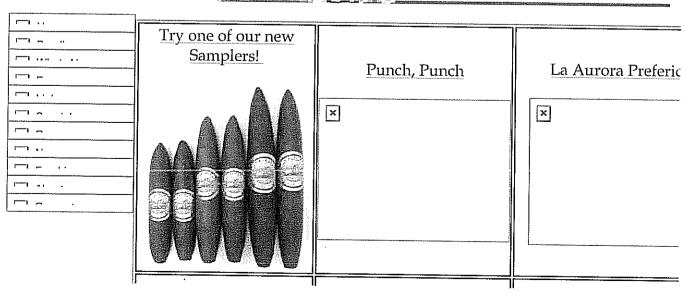
Looking for your Favorite Cigar? let me know and Ill find it for you! ~ M

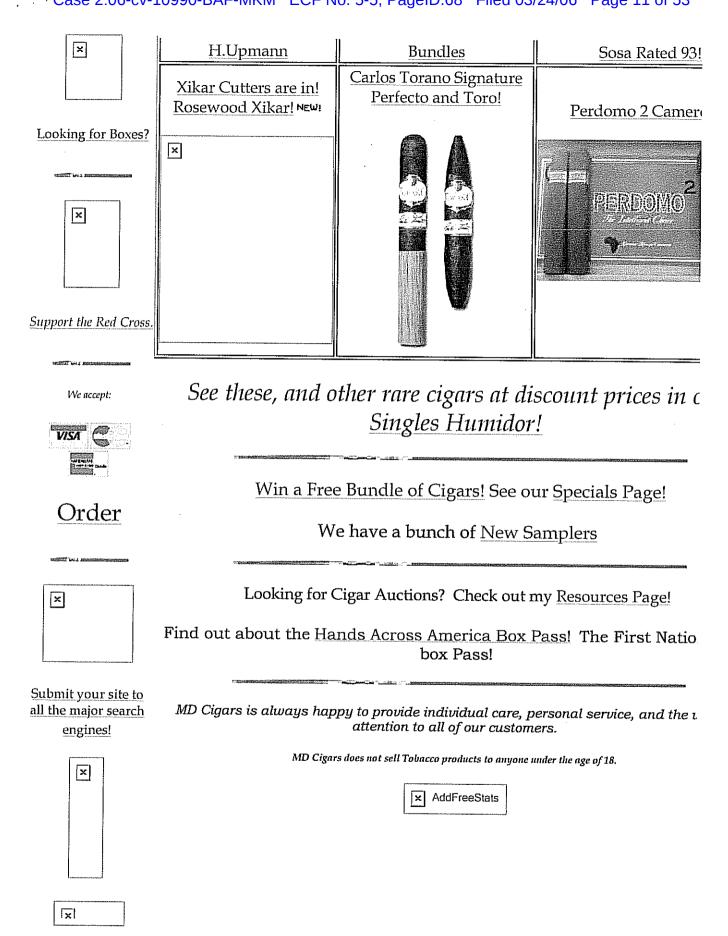
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave.

NEWI We Have Gift Certificates! NEW!

NEW! Hundreds of New Cigars in our Box List! NEW!

Want to be on our Email Special Mailing List? Click Her





Close Outs		Questions or Comments:
		Contact: mdcigars@home.com
Click here		This site best viewed with
for our		Internet Explorer
<u>Singles</u> Humidor		
recipies (4) a material consequence	MD Cigar's www.mdcigars.com	
Click here	3111 Macaulay Suite 203 San Diego, California. 92106	
for our Box	Telephone: 619-223-6010	
pricing		
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Click To Order!		
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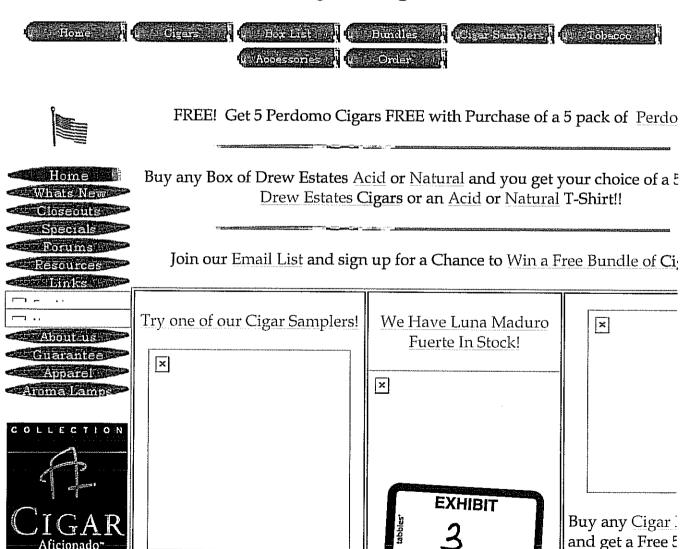
Support the Red Cross.

Questions about this web site? Send mail to mdcigars@home.com Last modified: October 03, 2001

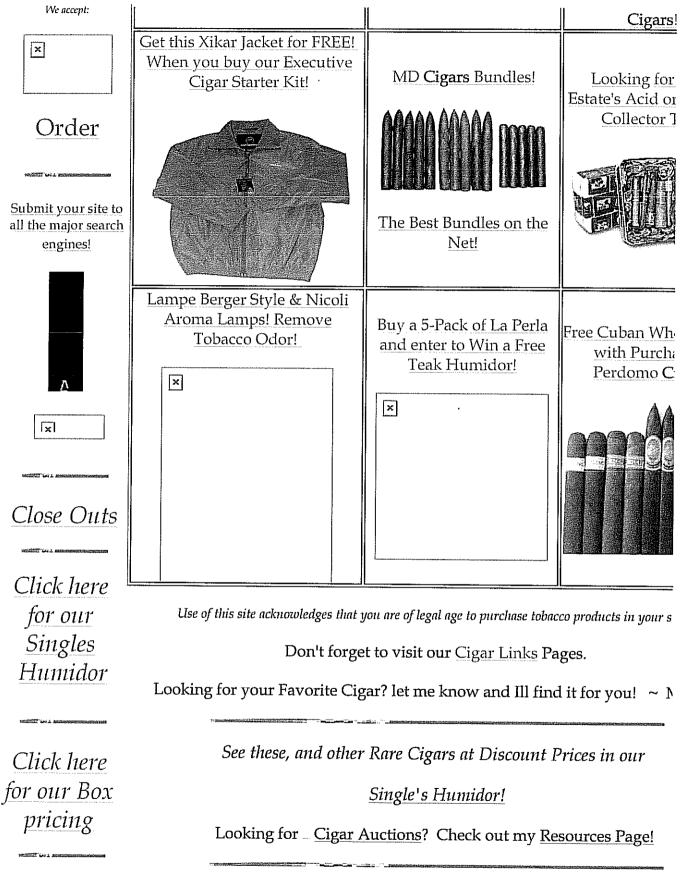
EXHIBIT 3



Your Portal to Cigars & Cigar Resources



H.Upmann Vi



Click To Order!

Questions or Comments:



Contact: Mike or Andrea at <u>customerservice@mdcigars.com</u>

- MD Cigars does not sell Tobacco products to anyone under the age of 18.

MD Cigar's and Accessories

WWW.MDCIGARS.COM

3111 Macaulay Suite 203

San Diego, California. 92106

Telephone: 619-223-6010

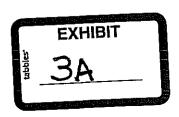
AddFreeStats - Free Web Stats in real-time -



Mikes <mark>Cigars</mark> Cigars Cigars

Cigars Cigars

Cigars



FREE! Get 5 Perdomo Cigars FREE with Purchase of a 5 pack of Perdomo!

Buy any Box of Drew Estates <u>Acid</u> or <u>Natural</u> and you get your choice of a 5-pack of <u>Drew Estates Cigars</u> or an <u>Acid</u> or <u>Natural</u> T-Shirt!!

Join our Email List and sign up for a Chance to Win a Free Bundle of Cigars!

Try one of our Cigar Samplers!	We Have Luna Maduro Fuerte In Stock!	
		Buy any <u>Cigar Humidor</u> and get a Free 5-Pack of <u>H.Upmann Vintage 95</u> <u>Cigars!!</u>
Get this Xikar Jacket for FREE! When you buy our Executive Cigar Starter Kit!	MD Cigars Bundles! The Best Bundles on the Net!	Looking for Drew Estate's Acid or Natural Collector Tins?

Lampe Berger Style & Nicoli Aroma Lamps! Remove Tobacco Odor!	Buy a 5-Pack of La Perla and enter to Win a Free Teak Humidor!	Free Cuban Wheel Cigars with Purchase of Perdomo Cigars!
•		

Use of this site acknowledges that you are of legal age to purchase tobacco products in your state

Don't forget to visit our <u>Cigar Links</u> Pages.

Looking for your Favorite Cigar? let me know and Ill find it for you! ~ Mike's ~

See these, and other Rare Cigars at Discount Prices in our Single's Humidor!

Looking for Mike's Cigar Auctions? Check out my Resources Page!

Questions or Comments:

Contact: Mike or Andrea at <u>customerservice@mdcigars.com</u>

Both Mikes & Andrea at MD Cigars are always happy to provide individual care, personal service, and the utmost attention to all of our customers. We are committed to providing the best internet shopping experience possible! Rare cigars at Discount Prices! Single Cigars, Bundles, 5 packs, or boxes! Mikes Cigars Mike's Rare & Discount Cigars, Discount Cigars, Discount Acid and Natural Cigars, Bundle Cigars, Cigar 5 packs, Xikar Cutters, Humidors and more! Quality Cigars at a great Price! Mike's Samplers are the Best!

Cigars MD Cigars does not sell Tobacco products to anyone under the age of 18.

Mike's

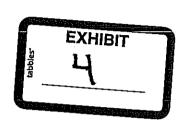
MD Cigar's and Accessories WWW.MDCIGARS.COM



3111 Macaulay Suite 203 San Diego, California. 92106 Telephone: 619-223-6010

EXHIBIT 4





Your Portal to Cigars & Cigar Resources





Join our Email List and you are entered to Win a Free Bundle of Cigars!

New Criollo 98 Cigars and Trilogy Cigars by Alec Bradley are here!

We are proud to add Helix Cigars to our humidor!



We have lots of new Cigars in our Singles Humidor!

Come to our new Shop Location! In Yuma Az! See pics of the construction here!



Shipping

La Luna Blowout!

15% off all La Luna Cigars in Stock!!



La Maison Aroma Lamps



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We accept: Submit your site to all the major search engines!			Removes Tobacco Odors!
×	Dunhill Cigars	MD Cigars Bundles!	Sancho Panza
	C.A.O. Cigars!	La Aurora Preferido	Looking for a Humidor?
View Shopping	Extraction of the control of the con	X	×

×

Now introducing Killer Beans!

Beans captured by the Leyenda™ Cigar Company!

Use of this site acknowledges that you are of legal age to purchase tobacco products in your state

Don't forget to visit our Cigar Links Pages.

Looking for your Favorite Cigar? let me know and Ill find it for you! ~ Mike ~

See these, and other Rare Cigars at Discount Prices in our Single's Humidor!

Looking for Cigar Auctions? Check out my Resources Page!

Questions or Comments:

Contact: Mike or Andrea at customerservice@mdcigars.com

Customers are responsible for any Duties or Taxes imposed by their local government

Both Mike & Andrea at MD Cigars are always happy to provide individual care, personal service, and the utmost attention to all of our customers. We are committed to providing the best internet shopping experience possible! Rare cigars at Discount Prices! Single Cigars, Bundles, 5 packs, or boxes!

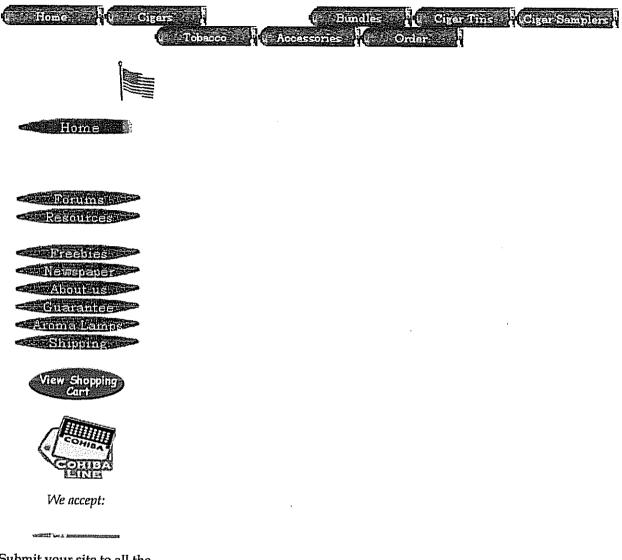
... MD Cigars does not sell Tobacco products to anyone under the age of 18....

MD Cigar's and Accessories
WWW.MDCIGARS.COM
P.O. Box 26062
Yuma, AZ. 85367

Phone: 928-305-8891 Fax: 928-345-0685

Store Hours: Mon - Fri 10 to 10





Submit your site to all the major search engines!



EXHIBIT

Sign 4A

Both Mikes & Andrea at MD Cigars are always happy to provide individual care, personal service, and the utmost attention to all of our customers. We are committed to providing the best internet shopping experience possible! Rare cigars at Discount Prices! Single Cigars, Bundles, 5 packs, or boxes! Mikes Mike's Rare & Discount Cigars, Discount Cigars, Discount Acid and Natural Cigars, Bundle Cigars, Cigar 5 packs, Xikar Cutters, Humidors and more! Quality Cigars at a great Price! Mike's Samplers are the Best!

Cigars MD Cigars does not sell Tobacco products to anyone under the age of 18.

Mike's

MD Cigar's and Accessories WWW.MDCIGARS.COM P.O. Box 26062

Yuma, AZ. 85367 Phone: 928-305-8891 Fax: 928-345-0685

Store Hours: Mon - Fri 10 to 10

EXHIBIT 5

Page 1 of 4 Case 2:06-cv-10990-BAF-MKM ECF No. 5-5, PageID.85 Filed 03/24/06 Page 28 of 53



RNB

Home of the Redneck Bastids

IFAQ Search Memberlist Usergroups Register H Profile Log in to check your private messages Log in

Mikes Cigars Threatening to sue me for using my name again!





RNB Forum Index -> General

View previous topic :: View next topic Author Message mdman D Posted: Mon Mar 06, 2006 12:46 pm Post subject: Mikes Cigars Threatening to Quote Site Member sue me for using my name again! Here we go again! Oscar at Mikes Cigars is sending me threatening letters saying they are going to Joined: 17 Dec 2004 sue me for my website MDCigars. Posts: 84 we have letters to the troops on the site thanking us for all we do for them. they refer to me as "Mike" in the letters, saying Thanks and so on. Well, Oscar does not like it, and states he is going to sue me.. I say, Bring it on! What do you guys think, are my Letters from the Troops causing confusion between Mikes cigars and MD Cigars? I think not. This is total BS and I urge you all to call or email them and let them know what you think! Toll Free: 800-962-4427 24hr Fax: 305-866-7977 customerservice@mikescigars.com and an allored Back to top CigarheadRNB auote 🔍 D Posted: Mon Mar 06, 2006 1:32 pm Post subject: Site Admin I emailed em.....and they don't know what I am talkning about.



Joined: 31 Dec 1969

Posts: 4978

Location: NC Home of the

Red Neck Bastids

Back to top

mdman Site Member



Joined: 17 Dec 2004

Posts: 84

Back to top

AlchemistRNB





Joined: 25 Nov 2004

Posts: 9343

Location: Race City, USA

Back to top

mdman Site Member



Joined: 17 Dec 2004

Posts: 84

Back to top

You are 209.114.252.202! Your ISP is Idmi.com! You are running on Windows XP and using IE 6! How you like me now?











D Posted: Mon Mar 06, 2006 2:09 pm Post subject:



101.

Sure they dont.. I have faxed each copy of correspondance to their lawyers to them also...

So, of course they know about it! who ever answers emails and faxes are getting all the info..



D Posted: Mon Mar 06, 2006 2:35 pm Post subject:



and it AIN'T like it's a big place with a room full'a secritaries!









D Posted: Mon Mar 06, 2006 3:48 pm Post subject:



LOL...

I just dont get it with these guys.. 😁





Joined: 17 Dec 2004

Posts: 84

Back to top

CigarheadRNB Site Admin



Joined: 31 Dec 1969

Posts: 4978

Location: NC Home of the Red Neck Bastids

Back to top

Kevin7RNB

Moderator



Joined: 19 Nov 2004

Posts: 551

Location: Monroe NC

Back to top

CigarheadRNB

Site Admin



Joined: 31 Dec 1969

Posts: 4978

Location: NC Home of the

Red Neck Bastids

a profile a a pm

D Posted: Mon Mar 06, 2006 5:04 pm Post subject:



Well I have to say Thanks guys!

Thanks to you guys, and a few other boards, it looks like an agreement is close at hand if not done already...

Thanks again guys! Great Job! I think we can close this up!



D Posted: Mon Mar 06, 2006 5:06 pm Post subject:





You are 209.114.252.202! Your ISP is Idmi.com! You are running on Windows XP and using IE 6! How you like me now?













D Posted: Mon Mar 06, 2006 6:05 pm Post subject:



I think I'll call em tommorrow and order 1K worth of cigars and before I hang up I will ask em"hey are you the guys who harrased a shop owner who sent cigars to the troops ?"" "Well never mind I'll go order from him instead" Dont think I wont do such stuff

Check yourself before you wreck yourself





D Posted: Mon Mar 06, 2006 6:06 pm Post subject:



LOL, I hear that.

You are 209.114.252.202! Your ISP is Idmi.com! You are running on Windows XP and using IE 6! How you like me now?



RNB :: View topic - Mikes Cigars Threatening to sue me for using my name again! Page 4 of 4
Case 2:06-cv-10990-BAF-MKM ECF No. 5-5, PageID.88 Filed 03/24/06 Page 31 of 53

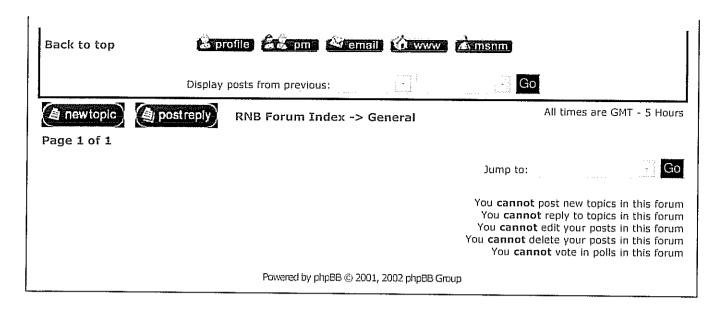


EXHIBIT 6

Welcome to StogicChat.com

Forum for Cigars and Much More!

Welcome, Guest, Please Login or Reaister.

Mar 15th, 2006, 5:01pm

🛍 Home 🛂 Help 🔑 Search 🕅 Members 🖪 Login 🗒 Register

StogleChat.com General

Ambassador, IrishCelt, LaochRi a Deatach, MikeD)

Mikes Cigars Threatening to sue me for using my na

« Previous topic | Next topic »

Pages: 1

Reply Add Poll D Notify of replies D Send Topic Print

Author

Topic: Mikes Cigars Threatening to sue me for using my na (Read 187

mdman Cigarillo -07

Mikes Cigars Threatening to sue me for

using my na

« **on:** Mar 6th, 2006, 12:50pm »

Ouote Modify

www.mdcigars.co m

Here we go again!

Oscar at Mikes Cigars is sending me threatening letters saying they are going to sue me for my website MDCigars.

we have letters to the troops on the site thanking us for all we do for them. they refer to me as "Mike" in the letters, saying Thanks and so on.

Menu Posts: 47

Well, Oscar does not like it, and states he is going to sue me.. I say, Bring it on!

What do you guys think, are my Letters from the Troops causing confusion between Mikes cigars and MD Cigars? I think not.

This is total BS and I urge you all to call or email them and let them know what you think!

Toll Free:

800-962-4427

24hr Fax:

305-866-7977

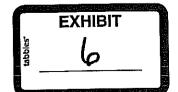
customerservice@mikescigars.com

=III= IP Logged

Cigars are fer smokin™.. www.mdcigars.com

CigarGuy, Smart Ash

Re: Mikes Cigars Threatening to sue me



Case 2:06-cv-10990-BAF-MKM ECF No. 5-5, PageID.91 Filed 03/24/06 Page 34 of 53

Exclusive Member Churchill चेन्द्रेटचेन्द्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट्रेन्ट

for using m

« Reply #1 on: Mar 6th, 2006, 1:20pm »

Ouote Modify



What is the URL for this MIke guy?

I doubt you have anything to worry about. In order to win he'd have to prove that the URL has nothing to do with you, AND that you bought it with the intent to either screw him over or charge him some rediculous price for it.

Web developer by day... Cigar Enthusiast by night!

歪

IP Logged

Posts: 2299

http://www.dougmeade.com - You know you want to!

tfire136 Churchill नेनेनेनेने

Re: Mikes Cigars Threatening to sue me

for using m

« Reply #2 on: Mar 6th, 2006, 1:25pm »

Quote Modify



Field Artillery King of Battle!!!!!

Yeah I seen the same post over at CP. I dont think you have anything to worry about. Sounds like the guy is just trying to give you a hard time.

IP Logged

Gender: ຢື Posts: 1332

As I walk through the valley of the shadow of death I fear no evil becuase I am the baddest MotherF*&%*r in the valley!!!

ET - TBS-Cigars.com Cigar Administrator

Re: Mikes Cigars Threatening to sue me

for using m

« Reply #3 on: Mar 6th, 2006, 1:37pm »

Quote Modify

Hey MD,



There is little that he can actually do except make a big stink and maybe try to waste time in court. Your website has nothing to do with his, nor are you even using a tradename that is exclusive to him. Even IF you were, it would have to be proven that it is being used in bad faith.

CrazyCigarDeals .com -Crazy Low prices on cigars!

In todays world, one can sue for anything. But there has to be some sufficient grounds for that person to win. Especially in such a case!

全回

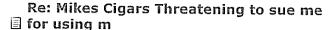
« Last Edit: Mar 6th, 2006, 1:37pm by ET - TBS-Cigars.com »

⊐II⊨ _{IP Logged}

Gender: ರೆ Posts: 31554 While we all have the same destination in life, its the journey and what cigars we smoke which define us.

mdman

Cigarillo



« **Reply #4 on:** Mar 6th, 2006, 2:11pm »

Ouote Modify



Ya.. I know I am in the right.. but it burns I disagree.

I have given the guy my cell number, but he refuses to even talk to

He prefers to get his lawyers to do it..

Im going to have to sue for harrasment I quess..

歪

Posts: 47

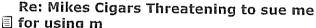
Cigars are fer smokin™...

www.mdcigars.com

Cigar_Penguin Torpedo

www.mdcigars.co m

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« Reply #5 on: Mar 6th, 2006, 3:57pm »

Ouote Modify

IP Logged



World Renowned

Mike or MD...hmm,no confusion there,two entirely different names. It's like if one guy bought a domaine mikes.com and another bought mikes.org....its legal in all aspects.

This guy is an idiot and because of his retarded actions I'd stay away from his site altogether, let alone do business with him. Of course there may be more to the story but either way it's none of my business.



Gender: 🗗 Posts: 251

=III= IP Logged

MikeD

Cigar Moderator Moderator Churchill **并有有有**有

Re: Mikes Cigars Threatening to sue me for using m

« **Reply #6 on:** Mar 6th, 2006, 4:59pm »

Ouote Modify



Arrrrghhhhh!!

327 ⊝ & 歪

I hope I won't get sued cause my name is Mike and sometimes I iust go by "MD" as well 🥝 🕮

IP Logged

Gender: ඒ් Posts: 8202



CigarGuy, Smart Ash

Exclusive Member Churchill



for using m
« Reply #7 on: Mar 6th, 2006, 5:01pm »

D Quote B Modify

And you've been known to smoke cigars. If I were you... I'd get a lawyer



Web developer by day... Clgar Enthusiast by night!

歪

http://www.dougmeade.com - You know you want to!

mdman Cigarillo 참

Posts: 2299

.

Re: Mikes Cigars Threatening to sue me

for using m

« Reply #8 on: Mar 6th, 2006, 5:09pm »

☐ Quote ☐ Modify

=III= IP Logged

24.90

Well I have to say Thanks guys!

Thanks to you guys, and a few other boards, it looks like an agreement is close at hand if not done already..

Thanks again guys! Great Job! I think we can close this up!

www.mdcigars.co m

13

Posts: 47

Cigars are fer smokin™... www.mdcigars.com

MikeD

Cigar Moderator Moderator Churchill Re: Mikes Cigars Threatening to sue me

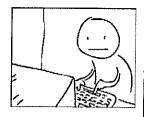
for using m

« Reply #9 on: Mar 6th, 2006, 5:10pm »

🗓 Quote 🖺 Modify

⊐III≒ _{IP Logged}

Glad to hear that it came to a non-litagation agreement



IP Logged

Arrrrghhhhh!!



Gender: 🞳 Posts: 8202



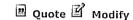




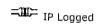
Re: Mikes Cigars Threatening to sue me

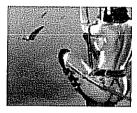
for using m

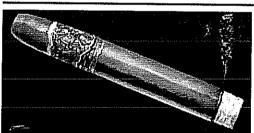
« **Reply #10 on:** Mar 6th, 2006, 9:45pm »



Give em two words...."BITE ME "!!!!







To a woman that will spend ya Bread "!

"Daddy said son, dont lose your head....

Diaric Churchill 5000

Gender: ರ

Posts: 336

774

Re: Mikes Cigars Threatening to sue me

for using m

« Reply #11 on: Mar 7th, 2006, 1:20am »

Ouote Modify



Man.. It seems to be a rough business selling cigars these days. If its not people hiding your website name on their site to try and steal your traffic, its people like this.

Glad things are working out for you though!



Gender: 🗗 Posts: 2073 IP Logged

The way to a mans heart is though his right foot.

IrishCelt, LaochRi a Deatach Cigar Moderator Moderator

Re: Mikes Cigars Threatening to sue me

for using m « Reply #12 on: Mar 7th, 2006, 3:59am »

Quote Modify

Case 2:06-cv-10990-BAF-MKM ECF No. 5-5, PageID.95 Filed 03/24/06 Page 38 of 53

Churchill dada

Glad to see this may have ended quickly

IP Logged



irish whiskey and cigars, nothing better!!!



"NYPD means I will Nock Yo Punkass Down!"

Bartok raconteur,

Gender: ඒ Posts: 6201

scoundrel Churchill नेतेनेते



Stogiechat is not dead, it just smells funny.

Re: Mikes Cigars Threatening to sue me for usina m

« Reply #13 on: Mar 7th, 2006, 7:47am »

Ouote Modify

on Mar 6th, 2006, 12:50pm, mdman wrote:

Here we go again!

they refer to me as "Mike" in the letters, saying Thanks and so on.

Well, Oscar does not like it, and states he is going to sue me.. I say, Bring it on!

What do you guys think, are my Letters from the Troops causing confusion between Mikes cigars and MD Cigars? I think not.

Posts: 2265

Well, I'd be suspicious as to whether he has a trademark on that name or not. Personally, I wouldn't sweat it until the subpeona shows up at your door.

=III= IP Logged

LC stogiechat homebrew gnome Churchill

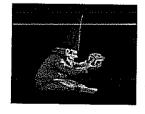
प्रेप्ट्रेप्ट्रेप्ट्रे

Re: Mikes Cigars Threatening to sue me I for using m

« Reply #14 on: Mar 7th, 2006, 1:48pm »

Quote Modify

seems like you went through this not too long ago, is this a repeat?



peace, love, and

I'm with what ET said, and in addition, even if it was in bad faith, there are still some circumstances in which direct legitimate buisness competition allows for that kind of behavior, so he'd still be screwed, so I hope for his sake he is baking down, because if somebody dragged me into court over shee-ot like that, you could bet my lawyer would be drawing up a counter suit for business lost as a result of dealing w/ that bull, and it would have all the lawyer's

[&]quot;Happiness? A good cigar, a good meal, a good cigar and a good woman—or a bad woman; it depends on how much happiness you can handle." - George Burns

gnomewrath

fees in there and everything.

=III= IP Logged

Gender: ຢື Posts: 1669

"I got a Funky job and I'm payin my dues on my good foot..."

Fishpoop
Churchill

Re: Mikes Cigars Threatening to sue me

for using m

« **Reply #15 on:** Mar 14th, 2006, 9:43am »

🗓 Quote 🗳 Modify



Love children like no other, teach them the world

I have actually ordered from Mikes and they seem to me to be a class act. I think it is sad that The cigar smokers are a bunch of class acts, but when it comes to sales no one can get along! I get so sick of seeing the bickering between everyone that sells online!

Gender: 🎳 Posts: 753

IP Logged

Pages: 1

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Please visit some of our cigar sites for a huge selection of premium cigars.

TBS-Cigars.com - HeavenlySmokes.com - CojiMart.com - PrimeTimeCigars.com - CigarSampler.com

CojimarCigar.com - TatianaCigars.com - AllFlavoredCigars.com - TuxedoCigars.com

Enter your EMAIL ADDRESS below to signup for our newsletter and early bird specia

SIGN UP TODAY!

EXHIBIT 7

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Marc

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The Best Damn Cigar Site On Earth!

Herfers Paradise Forum Index -> Herf House -> Mikes Cigars Lawsuit is on!

Goto pag

EXHIBIT

new topic

post reply.

View previous topic:: V

Mikes Cigars Lawsuit is on!

D Posted: Sun Mar 19, 2006 9:26 am

mdman

HP Member

Joined: Sep 05, 2004

Posts: 504 Location:

WWW.MDCIGARS.COM

Well, Im back from my vacation and I see that Mikes Cigars has filed a lawsuit. as yo dont like that I use my name "Mike" on my website as in the letters from the troops ϵ

Total bullshit as far as I am concerned...

Then their lawyers say they are going to settle, but behind my back file anyway!

Then, when I return from my vacation I find that now Now the jerks at Mikes cigars h far as to copy my site! what a Jerk this Oscar must be..

If you look here you will see what Mikes Cigars website looked like just before the law http://web.archive.org/web/20050330011647/http://www.mikescigars.com/

now if you go to www.mikescigars.com and see that site..

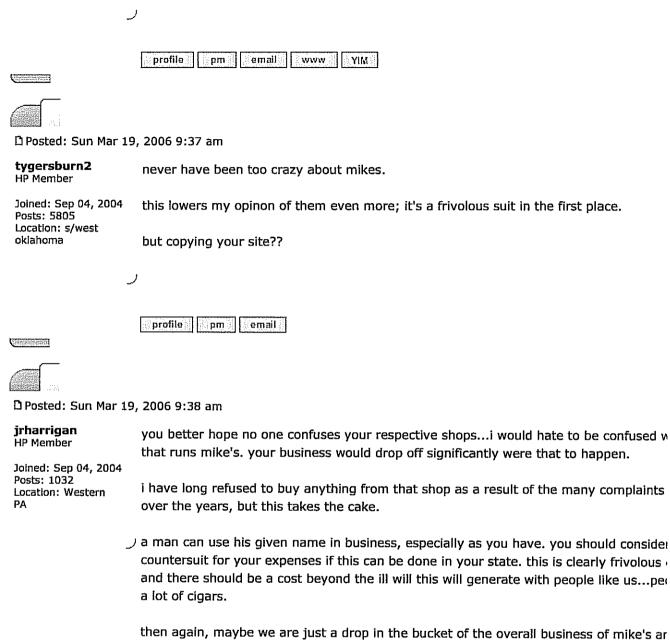
now look at mdcigars www.mdcigars.com

those guys are copying my site to make it look like I am copying them! They have copied my script for the scrolling product windows exactly!

Lucky I have archived copies of my site for the last few years showing I created this γ They just changed recently to make it look like I copied them!

I will be scanning the docs and posting them if you all wish to see them. Last edited by mdman on Sun Mar 19, 2006 11:50 am; edited 1 time in total profile D Posted: Sun Mar 19, 2006 9:30 am Too bad these people have so much time on their hands. What a PITA for you. Good lu **HP Member** Joined: Sep 04, 2004 Posts: 3197 Location: Vermont profile pm email D Posted: Sun Mar 19, 2006 9:33 am Burny Good luck to you. Tis ashame the bastards have to be dishonest to try and get custom-HP Member posted. Joined: Sep 05, 2004 Posts: 3703 Location: *VIRGINIA* profile pm D Posted: Sun Mar 19, 2006 9:35 am **PastorJack** Fight da powah! Damn da man! **HP** Member Joined: Feb 15, 2006 Posts: 177 Location: Rochester, NY

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then again, maybe we are just a drop in the bucket of the overall business of mike's ar safely ignored.

profile pm email AIM YIM MSN ICO

D Posted: Sun Mar 19, 2006 9:57 am

Sam_da_Man HP Member

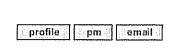
YOU GO MIKE! POWER TO THE PEOPLE!

Joined: Sep 07, 2004 Posts: 4906 Location: Maryland

STICK IT TO THE MAN!!!

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D Posted: Sun Mar 19, 2006 10:13 am

jhammer Moderator

Boy, that sounds like a sticky situation. I'm not sure if I was attorney that i'd advise postory on a public BB, but good luck.



Joined: Aug 29, 2004

Posts: 1347 Location: Indianapolis

profile pm



D Posted: Sun Mar 19, 2006 10:20 am

mdman

HP Member

Ya.. probably not.. but I feel that the truth should be known.

Joined: Sep 05, 2004

Posts: 504

Location:

WWW.MDCIGARS.COM

I sure would never do business with such a dishonest company..

To think they would sue me and say that customers are confused by my site, then co

That is LOW.. Dishonest and Crooked!

webpage to make it that way!

profile pm www



□ Posted: Sun Mar 19, 2006 10:50 am

USN_Retired HP Member

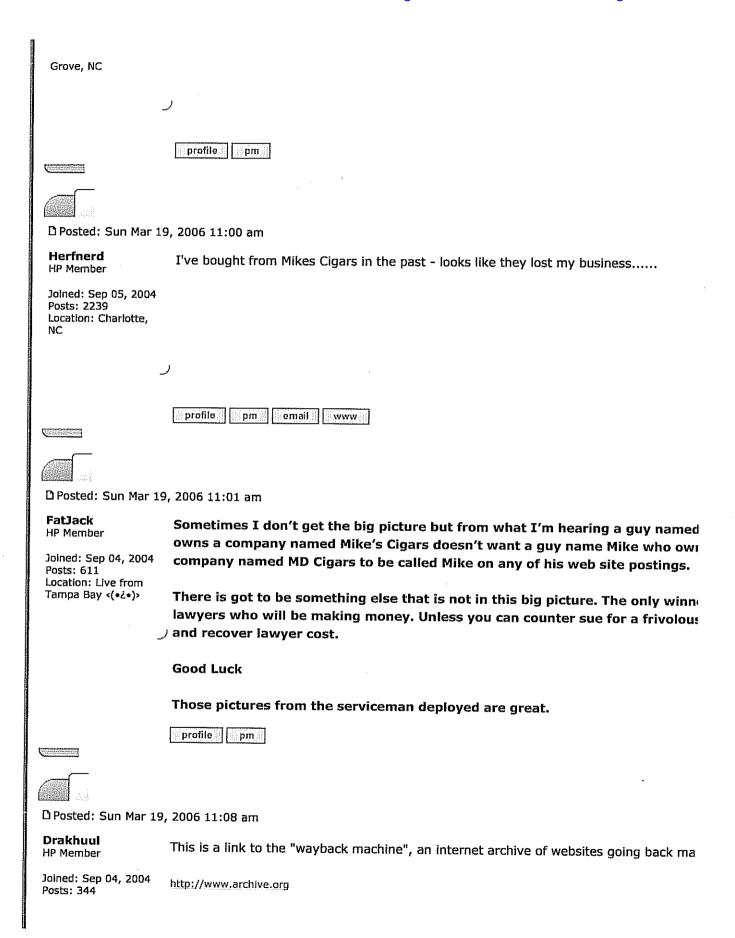
Wow, that's really cheesy!! I have had my share of problems with Mike's in the past - i very fond of them. They've pulled a couple of fast ones on me. After hearing this I will

Joined: Sep 04, 2004

Posts: 1518 Location: Cedar avoiding them. Are you reading this Mike's?

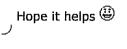
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profile pm email



D Posted: Sun Mar 19, 2006 11:12 am

Pauly

HP Member

ihammer wrote:

Joined: Sep 07, 2004 Posts: 813

Location: In Fingal's

Boy, that sounds like a sticky situation. I'm not sure if I was attorney that i'd advise pos story on a public BB, but good luck.

What DMC Hammer said. Don't try the case here with these bozos as a jury. Save you $oldsymbol{\mathcal{J}}$ energy for the real deal. Also, any statements/admissions made here may come back t like a bad Papayo! Seriously, your livelihood is at stake...take it seriously.

profile



D Posted: Sun Mar 19, 2006 11:14 am

RSteve **HP Member**

Mike, as I wrote earlier, you really need to determine venue. Cross file in your local con

Joined: Sep 04, 2004 Posts: 2410 Location: A Maximum of Three Incisive Posts Per Week, All Else Crap!

Here's where another problem lies. Mike's Oscar Borochin, JR's Lew Rothman, Holt's Ro and House of Oxford's Mark Goldman control significant product distribution. They are beside being colleagues. If you have difficulty getting product from any and all, either t distribution channels or from manufacturers, your only recourse is to file in federal cou are colluding to restrict trade. Of course, first recourse, is to the U.S. Department of Ju of Alcohol, Tobacco, and Firearms. Pending a hearing, you could have Mike's license to products suspended.

If, indeed, Mike's has recently changed its website and it now mimics yours, you should sue and get substantial damages.

profile pm



D Posted: Sun Mar 19, 2006 11:39 am

maintainin HP Member

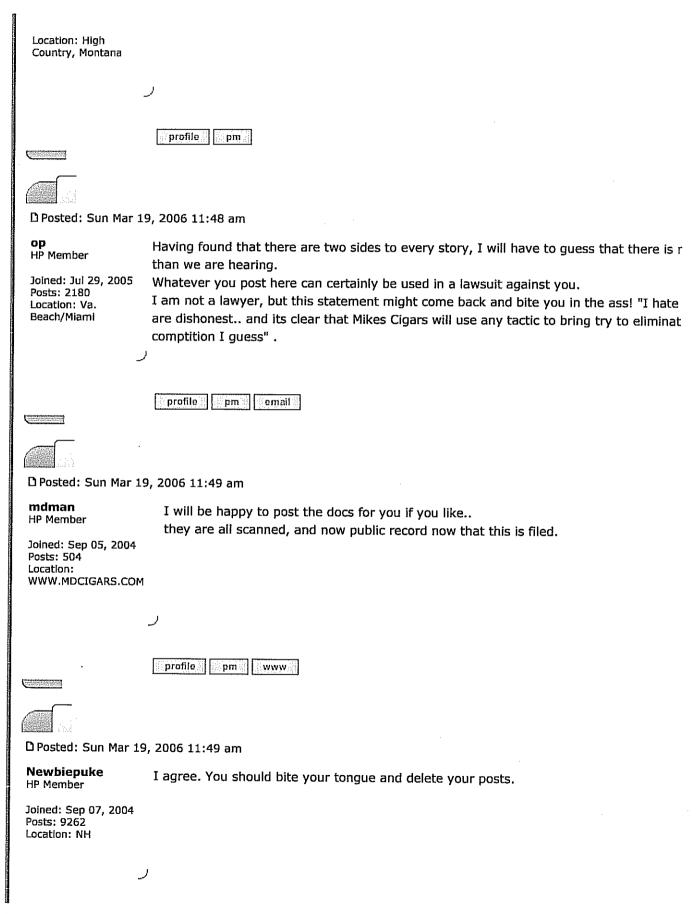
I don't like this kind of practice and I will not buy from Mike's again.

Joined: Sep 10, 2004

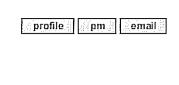
Posts: 1273

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D Posted: Sun Mar 19, 2006 11:52 am

USN_Retired

HP Member

Joined: Sep 04, 2004 Posts: 1518 Location: Cedar Grove, NC I just looked at the two web sites and I don't see much similarity. I do recall noticing to changed the look of their web site a few months ago, but it would never occur to me to copy mdcigars.com. Just my opinion. As for using your own name on your web site, how they could prevent you from doing that. It reminds me of Monster Cable suing ever anybody with the word monster in their product or web site name.



D Posted: Sun Mar 19, 2006 11:54 am

mdman

HP Member

There ya go.. I took out my personal comments.. I will just keep it to the facts....

Joined: Sep 05, 2004

Posts: 504 Location:

WWW.MDCIGARS.COM

We have a prior agreement that I will not use Mikes Cigars in my tradmark. At that time I change my business name from Mikes Discount to MD Cigars

Now they come back saying I cant use my name in the text of my site 5 years later w \rightarrow know I am legally able to do so.

Then they have their lawyers contact me and agree to settle if I make a couple chang did, even though I did not have to.

Then, when they say they are settling, they change their page to match mine, then fi

Its easy to see when the change happened as the internet archive site archives all sit change, including mine.

You make your own mind, I am only stating the facts.

profile pm www

D Posted: Sun Mar 19, 2006 11:56 am

op

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HP Member

Joined: Jul 29, 2005 Posts: 2180 Location: Va. Beach/Miami

mdman wrote:

There ya go.. I took out my personal comments.. I will just keep it to the facts....

We have a prior agreement that I will not use Mikes Cigars in my tradmark. At that time I change my business name from Mikes Discount to MD Cigars ${\bf P}$

Now they come back saying I cant use my name in the text of my site 5 years later when know I am legally able to do so.

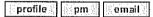
Then they have their lawyers contact me and agree to settle if I make a couple changes. I did, even though I did not have to.

Then, when they say they are settling, they change their page to match mine, then file a lawsuit.

Its easy to see when the change happened as the internet archive site archives all sites ι they change, including mine.

You make your own mind, I am only stating the facts.

Just keep one thing in mind, the quickest two ways to riches for a lawyer are anger and





D Posted: Sun Mar 19, 2006 12:04 pm

mdman

HP Member

I cant argue that point..

the Lawyers are the only ones who will benifit from this case for sure..

Joined: Sep 05, 2004

Posts: 504

Location:

WWW.MDCIGARS.COM

profile pm www



D Posted: Sun Mar 19, 2006 12:23 pm

wouldestous

HP Member

Joined: Sep 04, 2004 Posts: 4097 Location: oddball i have long maintained that the cigar industry attracts all manner of cranks, crooks, pa weirdos, con men, pseudo-aristocrats, charlatans, freaks, dorks, addicts, villains, grifte chumps, nutballs, fartknockers, hoosiers, tittie-babies, whackjobs, weasels, tattletales, thieves, tourettes cases, all manner of bastards, punks, arrivistes, cocksuckers, mouth scalawags, geeks, bandits, scumbags, all manner of sexual and social deviate, jerks, je oddballs, wastrels, shady characters, livestock aficionados, narcs, malcontents, jive tur jumpers, suburban cowboys, cretins, sociopaths, psychopaths, uncle fuckers, axe-grinc sinners, pricks, clean-cut cockroaches, dicks, dickwads, schmucks, crackpots, worms, l

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losers, madmen, boogerheads, drunks, wild exaggerators, bitches, snakes, yuppies, sw chiselers, hicks, rats, rounders, pickpockets, knuckle-draggers, perverts, sleazeballs, p liars, sharks, cheats, hornswogglers, mutants, shameless hussies, zealots, criminals, fi loonies, bullshitters, whores, creeps, troublemakers, penis wrinkles, kooks, posers, mo derelicts, loudmouth windbags, bandoleros, cutthroats, sketchy operators, douchebags knuckleheads, and jerkoffs. Fortunately this is also the customer base. <shrugs nonch:

Last edited by wouldestous on Sun Mar 19, 2006 12:25 pm; edited 1 time in total

profile

D Posted: Sun Mar 19, 2006 12:25 pm

ZeroZed HP Veteran Uncle Mikey better be scared.



Joined: Aug 08, 2004

Posts: 1897

profile pm



D Posted: Sun Mar 19, 2006 12:27 pm

cephisfunchis HP Member

Joined: Sep 02, 2005

Posts: 2323

wouldestous wrote:

i have long maintained that the cigar industry attracts all manner of cranks, crooks, par weirdos, con men, pseudo-aristocrats, charlatans, freaks, dorks, addicts, villains, grifter putos, chumps, nutballs, fartknockers, hoosiers, tittie-babies, whackjobs, weasels, tattic screwballs, thieves, tourettes cases, all manner of bastards, punks, arrivistes, cocksuck mouth-breathers, scalawags, geeks, bandits, scumbags, all manner of sexual and social deviate, jerks, jerkwads, oddballs, wastrels, shady characters, livestock aficionados, nai malcontents, jive turkeys, claim jumpers, suburban cowboys, cretins, sociopaths, psych uncle fuckers, axe-grinders, retards, sinners, pricks, clean-cut cockroaches, dicks, dicks schmucks, crackpots, worms, hillbillies, losers, madmen, boogerheads, drunks, wild exaggerators, bitches, snakes, yuppies, swindlers, chiselers, hicks, rats, rounders, pickt knuckle-draggers, perverts, sleazeballs, peckerheads, liars, sharks, cheats, hornswogglemutants, shameless hussies, zealots, criminals, flakes, goons, loonies, bullshitters, who creeps, troublemakers, penis wrinkles, kooks, posers, morons, derelicts, loudmouth win bandoleros, cutthroats, sketchy operators, douchebags, knuckleheads, and jerkoffs. For this is also the customer base. <shrugs nonchalantly>

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can i borrow you a dollar

profile pm



D Posted: Sun Mar 19, 2006 12:37 pm

RSteve HP Member

I wonder what happened with this.

Joined: Sep 04, 2004 Posts: 2410 Location: A Maximum of Three Incisive Posts Per Week, All Else Crap!

RSteve wrote:

Youch! Did you see one of the special items?

Cuban Crafters has it listed as:

Quote:

MIKE'S CIGAR BUNDLE - TORO DISCOUNT CIGARS - 25 IN A BUNDLE - 6 inches long with a ring gauge of 50.

If Oscar at Mike's Cigars threatened Mike of MD Cigars for having U.S. serviceme write: "Dear Mike" and have the letters on his website, wait until he sees MIKE'S BUNDLE.

profile pm



D Posted: Sun Mar 19, 2006 12:41 pm

RSteve HP Member

cephisfunchis wrote:

can i borrow you a dollar

Joined: Sep 04, 2004 Posts: 2410 Location: A

Maximum of Three Incisive Posts Per Week, All Else Crap!



profile pm



D Posted: Sun Mar 19, 2006 12:42 pm

valuman I wonder if I could copy-write my name, then sue everyone else named Tim. I wouldn't **HP** Member large damages, \$100/ea should be sufficient. Joined: Sep 04, 2004 Posts: 3197 Location: Vermont eliforq pm email D Posted: Sun Mar 19, 2006 12:48 pm **RSteve** cephisfunchis wrote: HP Member can i borrow you a dollar Joined: Sep 04, 2004 Posts: 2410 Location: A Maximum of Three Incisive Posts Per Week, All Else Crap! added: cyberspace must be real weird. This post appeared as a double post seven min original post. Last edited by RSteve on Sun Mar 19, 2006 7:15 pm; edited 1 time in total profile Mikes Cigars Lawsuit is on! Herfers Paradise Forum Index -> Herf House You cannot post new topics in this forum All times are You cannot reply to topics in this forum Page 1 of 3 Goto pag-You cannot edit your posts in this forum You cannot delete your posts in this forum You cannot vote in polls in this forum All Posts Oldest First Herf House new topic post reply.

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